

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**NATALIE DAVIS**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 4:06CV50LR**

**ECONOMY PREMIER ASSURANCE  
COMPANY**

**DEFENDANT**

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**ORDER**

This matter came before the court on two Motions to Hold Case in Abeyance submitted by the Plaintiff. This case was filed on April 14, 2006, and there is no indication from the docket that the Defendant was served with process within the 120 days provided in Fed. R. Civ. P. 4. For that reason, the case is subject to dismissal. If the Defendant has been served with process, there is no indication as to the time period within which it should have answered the Complaint. That Answer would be the basis for the court's scheduling a Case Management Conference, which would have resulted in a schedule for the disposition of this matter. To date, none of these events has occurred, which has resulted in a "stay" of all proceedings.

The Plaintiff seeks a stay within which to complete settlement negotiations with the Defendant. Instead, the court will require the Plaintiff to submit to the court a statement as to the status of service of process on the Defendant. After that time, the court can determine whether the Plaintiff has defaulted in serving the Complaint, or the Defendant has defaulted in answering it. Only after that determination has been made can the court consider further scheduling.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motions to Hold Case in Abeyance are hereby **denied** at this time. The Plaintiff shall provide the information identified above on or before September 13, 2006. Failure to submit this information may result in a dismissal of this action.

IT IS SO ORDERED, this the 6<sup>th</sup> day of September, 2006.

S/John M. Roper

UNITED STATES MAGISTRATE JUDGE